



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 10-SEP-2020

ORM Number: MVR-2020-01076-AF

Associated JDs:

Review Area Location¹:

State/Territory: IA City: Ankeny County/Parish/Borough: Polk County

Center Coordinates of Review Area: Latitude 41.742634 Longitude -93.54637

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

| § 10 Name | § 10 Size | § 10 Criteria | Rationale for § 10 Determination |
|-----------|-----------|---------------|----------------------------------|
| N/A | N/A | N/A | N/A |

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

| (a)(1) Name | (a)(1) Size | (a)(1) Criteria | Rationale for (a)(1) Determination |
|-------------|-------------|-----------------|------------------------------------|
| N/A | N/A | N/A | N/A |

Tributaries ((a)(2) waters):

| (a)(2) Name | (a)(2) Size | (a)(2) Criteria | Rationale for (a)(2) Determination |
|-------------|-------------|--|---|
| Drainage 1 | 1361 feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | The wetland delineation completed by Terracon has documented the presence of a perennial tributary that flows to Deer Creek, another A2 tributary that flows to Fourmile Creek, and Fourmile Creek flows to the Des Moines River, an A1 water. All of the aerial photos in the wetland delineation report also adequately support this determination. |
| Drainage 2 | 300 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | The wetland delineation completed by Terracon has documented the presence of this intermittent tributary that flows to Drainage 1 and then to Deer Creek, another A2 tributary that flows to Fourmile Creek, and Fourmile Creek flows to the Des Moines River, an A1 |

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide and included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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|--|--|--|---|
| | | | water. All of the aerial photos in the wetland delineation report also adequately support this determination. |
|--|--|--|---|

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

| (a)(3) Name | (a)(3) Size | (a)(3) Criteria | Rationale for (a)(3) Determination |
|-------------|-------------|-----------------|------------------------------------|
| N/A | N/A | N/A | N/A |

Adjacent wetlands ((a)(4) waters):

| (a)(4) Name | (a)(4) Size | (a)(4) Criteria | Rationale for (a)(4) Determination |
|-------------|-------------|-----------------|------------------------------------|
| N/A | N/A | N/A | N/A |

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
|----------------|----------------|-----------------------------|--|
| Wetland 1 | 0.08 acres | (b)(1) Non-adjacent wetland | This wetland does not abut or is not adjacent to any A2 tributary nor does it receive flood waters from one. |
| Wetland 10 | 0.01 acres | (b)(1) Non-adjacent wetland | This wetland does not abut or is not adjacent to any A2 tributary nor does it receive flood waters from one. |
| Wetland 11 | 0.04 acres | (b)(1) Non-adjacent wetland | This wetland does not abut or is not adjacent to any A2 tributary nor does it receive flood waters from one. |
| Wetland 2 | 0.07 acres | (b)(1) Non-adjacent wetland | This wetland does not abut or is not adjacent to any A2 tributary nor does it receive flood waters from one. |
| Wetland 3 | 0.15 acres | (b)(1) Non-adjacent wetland | This wetland does not abut or is not adjacent to any A2 tributary nor does it receive flood waters from one. |
| Wetland 4 | 0.06 acres | (b)(1) Non-adjacent wetland | This wetland does not abut or is not adjacent to any A2 tributary nor does it receive flood waters from one. |
| Wetland 5 | 0.48 acres | (b)(1) Non-adjacent wetland | This wetland does not abut or is not adjacent to any A2 tributary nor does it receive flood waters from one. |
| Wetland 6 | 0.06 acres | (b)(1) Non-adjacent wetland | This wetland does not abut or is not adjacent to any A2 tributary nor does it receive flood waters from one. |
| Wetland 7 | 0.21 acres | (b)(1) Non-adjacent wetland | This wetland does not abut or is not adjacent to any A2 tributary nor does it receive flood waters from one. |
| Wetland 8 | 0.25 acres | (b)(1) Non-adjacent wetland | This wetland does not abut or is not adjacent to any A2 tributary nor does it receive flood waters from one. |
| Wetland 9 | 0.07 acres | (b)(1) Non-adjacent wetland | This wetland does not abut or is not adjacent to any A2 tributary nor does it receive flood waters from one. |

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: *Wetland Delineation Report No 08207158, July 21, 2020, by Terracon. Figures 5, 5A and 6*
This information (*is/is not/is and is not*) sufficient for purposes of this AJD.
Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*

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- Photographs: *All Aerial photos contained in the wetland delineation on pages 34 to 53 were utilized in this determination.*
- Corps Site visit(s) conducted on: *Date(s).*
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Figure 3 Soil Survey Map in delineation.*
- USFWS NWI maps: *Figure 2 NWI Map, wetland delineation*
- USGS topographic maps: *Figures 1 and 6, Wetland Delineation*

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|----------------------------|---|
| USGS Sources | N/A. |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| State/Local/Tribal Sources | N/A. |
| Iowa Ortho Map Server | Figure 4 – Iowa LIDAR map. |

- B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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